

April 13, 2017

LETTER-MOTION – FILED VIA ECF

The Honorable Gregory H. Woods
U.S. District Judge, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

**Re: *Johnson v. Interactive One, LLC*
Civil Action No. 1:16-cv-07204-GHW
Letter-Motion to Continue**

Dear Judge Woods,

We represent the Plaintiff, Eric Johnson (“Plaintiff”), in the above-captioned action. Pursuant to Rules 5.2 and 7.1 of the Local Rules of the U.S. District Court for the Southern District of New York and Rule 13.1 of the Electronic Case Filing Rules & Instructions of the U.S. District Court for the Southern District of New York, Plaintiff, by and through his undersigned attorney, and with the consent of the Defendant, Interactive One, LLC (“Defendant”), hereby respectfully moves the Court for issuance of a thirty (30) day continuance of the conditional discontinuance of this action set by Your Honor’s Order dated March 28, 2017 (D.I. No. 46) (the “Order”).

The basis for this request is that the parties are currently in the process of diligently negotiating and drafting terms of settlement. However, the parties not anticipate that execution of a final settlement agreement, nor satisfaction of all conditions precedent to the filing of a joint stipulation of dismissal under the settlement agreement, will be completed within the thirty-day period to effectuate settlement contemplated by Your Honor’s Order – i.e., prior to April 27, 2017.

Accordingly, in lieu of restoring this action to the Court’s active calendar, the parties respectfully ask that the Court continue, for an additional thirty (30) days, the period set by the Order to effectuate settlement and file a joint stipulation of settlement and dismissal before the Order is deemed a final discontinuance of the action with prejudice, thereby making that deadline May 26, 2017. (Should the Court deny the present letter-motion to continue, Plaintiff

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intends to apply for restoration of the action to the active calendar, in order to ensure that the action is not discontinued with prejudice prior to effectuation of the parties' settlement in principle.)

This is the parties' first request for a continuance since Your Honor's March 28, 2017 Order conditionally discontinuing this action. Defendant's counsel has consented to the instant request.

Thank you for your time and consideration.

Very truly yours,



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